

Message Text

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PAGE 01 STATE 157758
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DRAFTED BY D/LOS:RBLUMBERG:LS
APPROVED BY S/AR:AGJAMES
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O R 211909Z JUN 78
FM SECSTATE WASHDC
TO AMEMBASSY BERN IMMEDIATE
INFO AMEMBASSY CANBERRA

UNCLAS STATE 157758

E.O. 11652: N/A

TAGS: P/LOS

SUBJECT: LETTER FOR DELIVERY TO AMB. BRENNAN

1. ON JUNE 15 LETTER TO KEITH G. BRENNAN, AUSTRALIAN
AMBASSADOR, WAS POUCHED TO YOU FOR DELIVERY. FOLLOWING
IS A SECOND ENCLOSURE TO BE DELIVERED WITH LETTER.

2. BEGIN TEXT.

-- SEABEDS WORK REMAINING TO BE DONE

-- MAJOR ISSUES:

-- (1) THE COUNCIL - COMPOSITION AND VOTING - ARTICLE 159.

-- (2) ANNEX II - SYSTEM OF EXPLOITATION, INCLUDING THE
BANKING SYSTEM - PARAS. 2, 3, 4 AND 5.

-- (3) APPLICABILITY TO THE ENTERPRISE OF PART OR ALL OF
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ANNEX II OR OF COMPARABLE OBLIGATIONS - PARA. 6.

-- (4) ADDITION OF SAFEGUARDS FOR THOSE WHO NEGOTIATE JOINT
VENTURES WITH THE ENTERPRISE - EITHER ANNEX II OR ANNEX
III.

-- (5) FINANCIAL TERMS OF CONTRACTS - AMOUNTS - PERCENT-

TAGES AND ELIMINATION OR REDUCTION OF ANNUAL CHARGE TO
MINE - ANNEX II, PARA. 7.

-- (6) DISPUTE SETTLEMENT - SEC. 6 OR PART XV AND ANNEX
VI, PARAS. 15 AND 37-41, PLACE MORE EMPHASIS ON ARBITRA-
TION AND CREATE A COMMERCIAL ARBITRATION OPTION FOR
CONTRACTUAL AND TECHNOLOGY TRANSFER DISPUTES.

-- (7) REVIEW CONFERENCE - ART. 153 (6) - THE MORATORIUM
PROBLEM.

-- OTHER ISSUES:

-- (1) DISTRIBUTION OF BENEFITS - ART. 140 - EITHER LIMIT
TO STATES PARTIES OR MAKE CLEAR THAT AN EXTERNAL DISTRIBU-
TION SYSTEM WILL BE USED.

-- (2) CHANGE THE TITLE OF SEC. 3 TO "CONDUCT IN THE AREA."

-- (3) MAKE SOME DRAFTING CLARIFICATIONS IN ART. 143 ON
SCIENTIFIC RESEARCH.

-- (4) ART. 150 BIS - CHANGE "INTERESTED PARTIES" TO
"MAJOR PRODUCERS AND CONSUMERS" AND DELETE THE SENTENCE
THAT SAYS THE AUTHORITY REPRESENTS ALL PRODUCTION FROM
THE AREA. ALSO CLARIFY FUNDING OF COMPENSATION SYSTEM.
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-- (5) DECIDE THE SITE OF THE AUTHORITY - ART. 154.

-- (6) IF POSSIBLE, RESTORE THE RECALL PROVISION ON
ASSEMBLY VOTING - ART. 157.

-- (7) CHANGE METHOD OF SELECTION OF THE MEMBERS OF THE
SEABED DISPUTES CHAMBER - ART. 158.

-- (8) GIVE THE COUNCIL FUNCTIONS CONCERNING COMMODITY
AGREEMENTS - ART. 160.

-- (9) DELETE "BRAZIL CLAUSE" ON TECHNOLOGY TRANSFER AND
PARA. 5D (III) OF ANNEX II ON TIMING OF NEGOTIATIONS.

-- (10) DECIDE WHETHER PARTS OR ALL OF THE ANNEXES COULD
BE MADE SIMPLY THE FIRST REGULATIONS OF THE AUTHORITY,
SUBJECT TO LATER REVISION BY THE COUNCIL.

-- (11) CLARIFY AND LIMIT THE PRIVILEGES AND IMMUNITIES
OF THE ENTERPRISE - ANNEX III. VANCE

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